

UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF WISCONSIN

BARRY EARLS, THOMAS FETSCH,  
TRENT SHORES, STEVE SCHUSSLER,  
CASSIE LIETAERT and CHRIS JESSE,  
*individually and on behalf of a class of  
similarly situated individuals,*

Plaintiffs,

v.

MENARD, INC., a Wisconsin corporation,

Defendant.

Case No. 20-CV-107

Judge: Hon. James D. Peterson

**DECLARATION OF SABITA J. SONEJI  
IN SUPPORT OF PLAINTIFFS' MOTION TO RECONSIDER**

I, Sabita J. Soneji, affirm and state as follows:

1. I am a Partner at Tycko & Zaveeri LLP and an attorney of record for Plaintiffs Barry Earls, Thomas Fetsch, Trent Shores, Steve Schussler, Cassie Lietaert and Chris Jesse ("Plaintiffs"). I am of legal age and sound mind and make this statement based upon my own personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of an email chain between counsel for Menards and counsel for Plaintiffs dated November 30, 2020.

3. Attached hereto as **Group Exhibit B** is a true and correct copy of documents that were attached to and relied upon in Menard's Motion for Sanctions (and that were publicly filed on the Court's ECF system):

a. **Exhibit B-1**: Dkt. 98-17 (MENARDS-EARLS 0011024-11039),

b. **Exhibit B-2**: Dkt. 98-30 (MENARDS-EARLS\_0011843),

- c. **Exhibit B-3**: Dkt. 98-34 (MENARDS-EARLS\_0010892),
- d. **Exhibit B-4**: Dkt. 98-38 (MENARDS-EARLS\_0013538-13544),
- e. **Exhibit B-5**: Dkt. 98-39 (MENARDS-EARLS\_0011430-11435),
- f. **Exhibit B-6**: Dkt. 98-40 (MENARDS-EARLS\_0013526-13530),
- g. **Exhibit B-7**: Dkt. 98-41 (MENARDS-EARLS\_0013327),
- h. **Exhibit B-8**: Dkt. 98-44 (MENARDS-EARLS\_0011424-11425) and
- i. **Exhibit B-9**: Dkt. 98-45 (MENARDS-EARLS\_0011460).

4. These documents were produced by Menards to Plaintiffs' counsel on February 8, 2021, just a couple weeks before Plaintiffs' depositions.

5. Despite representing to Plaintiffs' counsel in late November of 2020 that their production was largely complete, (*see* Exhibit A hereto), on February 8, 2021, Menards produced 2,824 documents (bates range MENARDS-EARLS\_0010794 to 0013618). All of the Group Exhibit B documents are within that bates range.

6. During more than one meet and confer call following Menards' voluminous November 27, 2020 database production, Plaintiffs' counsel expressed their inability to understand the data fields on that production and asked Menards' counsel for instruction or a key.

7. In response, Menards' counsel directed Plaintiffs' counsel to ask about the document during its 30(b)(6) corporate representative depositions, which were scheduled on December 31, 2020 and January 6, 2021.

Dated: April 21, 2022

/s/Sabita J. Soneji  
Sabita J. Soneji